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January 15, 2021

VIA ECF

Judge Ronnie Abrams
United States Court House
40 Foley Square
Courtroom 1506
New York, New York 10007

Re: ***Jose F. Naranjo-Perez v. Lee Hatcher and Foodliner Inc.***
Civil Action No.: 16-cv-5672

Dear Judge Abrams:

We represent the plaintiff, Jose Naranjo-Perez in the above referenced matter, jointly along with defense counsel we respectfully request a 45 extension to complete expert discovery. While there have been prior extensions granted, circumstances beyond the control of either party has necessitated this application.

More specifically, our rebuttal biomechanical expert, Scott D. Batterman, Ph.D., P.E. cannot sit for deposition until mid to late February. Dr. Batterman is partner of a two man engineering firm, along with his father Dr. Steve Batterman. Dr. Batterman Senior has been recently diagnosed with aggressive cancer. As such, he is relying on his son and our expert for both transportation and post chemotherapy home care. This has also left Scott Batterman with limited to time to appear since he must now manage their firm singlehandedly (<http://battermanengineering.com/index-2.html>).

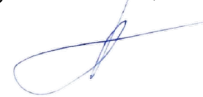
Additionally, after disclosure of his report and agreeing to sit for a brief deposition, plaintiff's expert shoulder orthopedist Dr. Robert Haar has recently refused to cooperate. He is belatedly demanding an unconscionable fee -- approximately double the current "reasonable and

customary” SDNY expert rates -- and declined to provide a date for video examination. As a result, we have requested another orthopedic expert to examine the plaintiff, issue a report and sit for examination in an expedited fashion. We are awaiting response from his office.

Finally, while we have scheduled a February 2, 2021 date for the deposition of Defendants’ Orthopedic expert Dr. Spivak, said expert is requesting additional fees. We have agreed to the request, but due to a Covid outbreak in our office, we are unable to provide a physical check until next week. Dr. Spivak will not accept electronic payment and thus, cannot definitely confirm this date until we return next week.

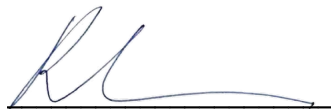
We are cognizant of the age of this matter but respectfully request the court’s consideration of an extension until the end of February due to the confluence of uncontrolled events set forth above.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be 'DM', with a long horizontal stroke extending to the right.

Douglas Milch (DM-9873)

Application granted. The post-discovery conference, currently scheduled for January 29, 2021, is hereby adjourned until March 5, 2021 at 1:00 pm. Given the age of this matter, absent good cause, no further extensions will be granted. SO ORDERED.

A handwritten signature in blue ink, appearing to be 'RA', with a long horizontal stroke extending to the right.

Ronnie Abrams, U.S.D.J.
January 19, 2021